

The Yuma County Planning and Zoning Commission met in a regular session on February 22, 2016. The meeting was held in Aldrich Auditorium at 2351 West 26<sup>th</sup> Street, Yuma, Arizona.

**CALL TO ORDER:** At 5:00 p.m. Chairman Wayne Briggs convened the Planning and Zoning Commission meeting. Commissioners present were: Wayne Briggs, Alicia Aguirre, Max Bardo, Tim Bowers, Michael Henry, and John McKinley. Commissioners Gary Black, Martin Porchas, Matias Rosales and Paul White were absent. Others present were: Planning Director Maggie Castro; Senior Planner Fernando Villegas; Deputy County Attorney Ed Feheley; and Executive Assistant Tricia Ramdass.

**PLEDGE OF ALLEGIANCE:** Chairman Briggs led the Pledge of Allegiance.

**ITEM No. 3: *Approval of the Planning and Zoning Commission regular meeting minutes of January 25, 2016.***

MOTION (HENRY/BARDO): Approve as presented.

VOICE VOTE: The motion carried 6-0.

**ITEM No. 4: *Presentation and discussion on possible text amendments to the Zoning Ordinance to address Community Gardens.***

Senior Planner Fernando Villegas informed the Commission the agenda item was a presentation and discussion carried forward from the January 25, 2016 regular meeting. The intent of the discussion was to consider adopting a new *Section 1108.18 – Community Gardens* into the Yuma County Zoning Ordinance (YCZO) to allow and regulate Community Gardens in Yuma County. Mr. Villegas presented information regarding the allowed districts and soil testing requirements of other municipalities, and possible use of retention basins as requested by the Commission at the previous meeting.

Mr. Villegas informed the Commission that they had the option of limiting community gardens to particular districts. In addition, they could remove the requirement for soil testing. His research revealed that the City of Yuma allows Community Gardens in residential, commercial, and industrial zoning districts, whereas, the City of Phoenix allows community gardens in commercial districts, but requires a Special Use Permit for use in residential districts. Neither city required soil testing as part of establishing a Community Garden. He also presented proposed text changes for signage requirements if the Commission decided to restrict allowable use to residential districts only.

Mr. Villegas addressed the use of retention basis for Community Gardens. He stated he checked with the Yuma County Flood Control District and was informed that the use would be possible with a permit from Flood Control as long as the garden would not interfere with the function of the basin. Additionally, Home Owners' Associations (HOA)

control some retention basins so permission to use those basins would be obtained through the HOA.

Commissioners asked about type of soil beds with regard to soil testing requirements and cost of permitting. Commissioners also discussed whether soil testing should be mandated, which districts to allow Community Gardens as a use, types of structures requiring permits, and associated permit costs.

Mr. Villegas informed the Commission that the type of soil bed, e.g., raised or ground, would not be addressed in the YCZO. There would be no cost to obtain a permit to establish a Community Gardens; however, permits would be required for structures such as a storage shed.

Planning Director Maggie Castro provided clarification to the Commission by contrasting the steps to establish a Community Garden with and without an established use in the YCZO. She stated that if the Commission moved forward with the Commission Initiative, Community Gardens would be permitted as Mr. Villegas previously mentioned. If the Commission decided not to move forward with the initiative, anyone wishing to establish a community garden would need to obtain a Special Use Permit (SUP) with a non-refundable fee of \$750.00 for Residential or \$1500.00 for Commercial/Industrial districts. She also clarified that temporary shade/screen/netting structures for agricultural use were exempt from building code requirements.

Mr. Villegas informed the Commission that the SUP process did not require soil testing. He reiterated that the Commission had the option to remove soil testing from the proposed language.

MOTION (McKINLEY/BARDO): To move forward with a request for a Commission Initiative to adopt a new *Section 1108.18 – Community Gardens* into the Yuma County Zoning Ordinance to allow and regulate Community Gardens in Yuma County allowing use in all districts and removing the soil testing requirement.

VOICE VOTE: The motion carried 6-0.

**ITEM No. 5: *Presentation and discussion on possible text amendment to Article VIII-Signs of the Zoning Ordinance in light of Reed vs. Town of Gilbert.***

Planning Director Maggie Castro informed the Commission the agenda item was a presentation and discussion carried forward from the January 25, 2016 meeting. Ms. Castro reviewed the changes and modifications requested by the Commission at the previous meeting. She also explained the court case prompting the proposed changes and stated that the Yuma County Zoning Ordinance currently had similar wording that was challenged in *Reed vs. Town of Gilbert*.

Commissioners asked if the proposed changes would put Yuma County in compliance with regard to sign regulations. The Commission also asked if regulations were in place for maintaining the aesthetics of signs over time if there were no time limitations for all signs.

Deputy County Attorney Ed Feheley clarified the decision of the Supreme Court and what changes would be in compliance with the ruling for *Reed vs. Town of Gilbert*. He noted that some subdivisions could have CC&Rs that regulate signs further. Mr. Feheley said that decaying signs could be addressed under public safety and health or by the Yuma County Zoning Ordinance as junk. He also explained the process of moving forward with the Commission Initiative.

MOTION (HENRY/McKINLEY): To bring the item back as a request for a Commission Initiative for a text amendment to *Article VIII-Signs* at the next regular meeting.

VOICE VOTE: The motion carried 6-0.

**ITEM No. 6: Review and approval of the Calendar Year 2015 Annual Report:**

Planning Director Maggie Castro presented the Calendar Year 2015 Annual Report to the Planning and Zoning Commission pursuant to Section 5(B) of the Planning and Zoning Commission bylaws.

MOTION (BARDO/AGUIRRE): Direct staff to present the Calendar Year 2015 Annual Report as presented to the Board of Supervisors (BOS) at the next regular BOS meeting.

VOICE VOTE: The motion carried 6-0.

**ITEM No. 7: Discussion by the Commission members and Planning Director of events attended, current events, and the schedule for future Planning Commission meetings.**

There was no discussion by the Commission members and Planning Director.

There being no further business to come before the Commission, the Chairman adjourned the meeting at 5:51 p.m.

Approved and accepted on this 28<sup>th</sup> day of March, 2016.

  
Wayne Briggs, Chairman

ATTEST:  


Maggie Castro, Planning Director